

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 36450 & 36479

STATE OF IDAHO,)	2010 Unpublished Opinion No. 415
)	
Plaintiff-Respondent,)	Filed: April 1, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
ABEL ALMAGUER DELGADO, SR.,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Minidoka County. Hon. R. Barry Wood, District Judge.

Order revoking probation and reinstating previously suspended unified ten-year sentence, with five-year determinate term, for aggravated assault with a deadly weapon, affirmed; judgment of conviction and consecutive unified sentence of fifteen years, with a minimum period of confinement of three years, for aggravated battery, affirmed.

Molly J. Huskey, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

Before GUTIERREZ, Judge; GRATTON, Judge;
and MELANSON, Judge

PER CURIAM

In Docket No. 36479, Abel Almaguer Delgado, Sr. pled guilty to aggravated assault with a deadly weapon, I.C. §§ 18-901(a), 18-905(a). In exchange for his guilty plea, additional charges were dismissed. The district court imposed a unified ten-year sentence, with a five-year determinate term, but retained jurisdiction. Following Delgado's completion of his rider, the district court suspended the sentence and placed Delgado on probation. In Docket No. 36450, Delgado pled guilty to aggravated battery. I.C. § 18-903, 18-907(1)(b). In exchange for his guilty plea, additional charges were dismissed.

Delgado's probation for aggravated assault in Docket No. 36479 was subsequently revoked, and the suspended sentence ordered into execution. Thereafter, the district court sentenced Delgado for aggravated battery in Docket No. 36450 to a unified term of fifteen years, with a minimum period of confinement of three years, to run consecutive to his aggravated assault sentence.

On appeal, Delgado does not challenge the district court's decision to revoke probation, but argues only that his sentences in both cases are excessive. Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007).

When we review a sentence that is ordered into execution following a period of probation, we will examine the entire record encompassing events before and after the original judgment. *State v. Hanington*, 148 Idaho 26, 29, 218 P.3d 5, 8 (Ct. App. 2009). We base our review upon the facts existing when the sentence was imposed as well as events occurring between the original sentencing and the revocation of probation. *Id.* Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, the order revoking probation and directing execution of Delgado's previously suspended sentence for aggravated assault with a deadly weapon and his judgment and conviction and sentence for aggravated battery are affirmed.